

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER B. ARIZMENDI,  
AE0789

Petitioner,

vs.

P. BRAZELTON, Warden,

Respondent.

No. C 12-4555 CRB (PR)

ORDER DENYING MOTION  
TO APPOINT COUNSEL AND  
CERTIFICATE OF  
APPEALABILITY

Petitioner, a state prisoner at San Quentin State Prison, filed a writ of habeas corpus under 28 U.S.C. § 2254. The court denied the petition on the merits on November 19, 2013, and denied a certificate of appealability. Petitioner has filed motions seeking the appointment of counsel and for a certificate of appealability. A certificate of appealability is denied for the same reasons set forth in the prior court order. The denial of the certificate of appealability is without prejudice to petitioner seeking a certificate from the United States Court of Appeals for the Ninth Circuit.

The Sixth Amendment's right to counsel does not apply in habeas corpus actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). However, 18

1 U.S.C. § 3006A(a)(2)(B) provides that in habeas cases, whenever "the court  
2 determines that the interests of justice so require", representation may be  
3 provided for any financially eligible person. Petitioner presented his claims  
4 adequately, and they were not particularly complex. The interests of justice do  
5 not require appointment of counsel.

6 **CONCLUSION**

7 1. The motion for a certificate of appealability (Docket No. 22) is  
8 DENIED.

9 2. The motion to appoint counsel (Docket No. 23) is DENIED.  
10 SO ORDERED.

11 DATED: Jan. 10, 2014

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13 CHARLES R. BREYER  
14 United States District Judge

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